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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22852 7590 05/16/2008

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

CHIEN, STACY BROWN

ART UNIT

PAPER NUMBER

1648

DATE MAILED: 05/16/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/700,507      | 11/05/2003  | Ali Amara            | 03495.0301          | 6288             |

TITLE OF INVENTION: METHOD OF TREATING CYTOMEGALOVIRUS WITH DC-SIGN BLOCKERS

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1440        | \$300               | \$0                  | \$1740           | 08/18/2008 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
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**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22852 7590 05/16/2008

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**901 NEW YORK AVENUE, NW**  
**WASHINGTON, DC 20001-4413**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

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| 10/700,507      | 11/05/2003  | Ali Amara            | 03495.0301          | 6288             |

**TITLE OF INVENTION: METHOD OF TREATING CYTOMEGALOVIRUS WITH DC-SIGN BLOCKERS**

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| EXAMINER          | ART UNIT | CLASS-SUBCLASS |
|-------------------|----------|----------------|
| CHEN, STACY BROWN | 1648     | 435-005000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/700,507

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Ali Amara

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EXAMINER

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/700,507

**Applicant(s)**

AMARA ET AL.

**Examiner**

Stacy B. Chen

**Art Unit**

1648

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/27/08.
2. ☒ The allowed claim(s) is/are 24,32-34,36,82,91,99-102 and 105.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Maryann T. Puglielli on April 24, 2008.

The application has been amended as follows:

#### IN THE SPECIFICATION:

Page 1, replace the existing title with the following:

--Method of Treating Cytomegalovirus with DC-SIGN Blockers--

Page 17, after the last sentence of paragraph [039] insert the following:

--The address of the Collection Nationale De Cultures De Micro-organismes (CNCM) is Institut Pasteur, 28, rue du Dr Roux, 75724 Paris Cédex 15, France.--

#### IN THE CLAIMS:

Claims 27-31, 81, 94-96, 98, 110 and 111 are cancelled.

Claims 24, 82, 91 and 105 are amended; see complete claim listing attached.

### *Examiner's Comment*

The title of the invention was amended to reflect the invention now claimed. The amendment to the specification in paragraph [039] provides the address of the CNCM depository. Claims 82 and 105 are rejoined with the elected invention and amended to correct claim dependency. The restriction requirement between the linked inventions is withdrawn.

Art Unit: 1648

Claims 24 and 91 are amended to reflect the rejoined subject matter. Claims 110 and 111 are cancelled as being redundant with the claims from which they depend. Claims 27-29, 31, 94-96 and 98 are cancelled without prejudice.

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Grundy *et al.* (US Patent 5,567,582) discloses the treatment and prevention of CMV infection via administration of CMV envelope glycoprotein B peptides (col. 2, first and second paragraphs, and col. 4, lines 20-23). The Grundy reference does not teach or fairly suggest the subject matter represented in the claims as amended by this Examiner's Amendment.

### ***Conclusion***

Claims 24, 32-34, 36, 82, 91, 99-102 and 105 are allowable.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacy B. Chen whose telephone number is 571-272-0896. The examiner can normally be reached on M-F (7:00-4:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Stacy B Chen/ 4-22-08  
Primary Examiner, Art Unit 1648

Art Unit: 1648

Complete Claim Listing with Examiner's Amendment

1-23. (CANCELLED)

24. (Currently Amended) A method of treating a cytomegalovirus (CMV) infection of a human, wherein the infection is mediated at least in part by the binding of a CMV effector molecule on the CMV virus to at least one DC-SIGN receptor selected from DC-Specific ICAM-Grabbing Nonintegrin (DC-SIGN) and DC-Specific ICAM-Grabbing Nonintegrin Related (DC-SIGNR) of the human to be treated, the method comprising:

administering to the human a mannosylated molecule that specifically binds to the DC-SIGN receptor;

wherein the mannosylated molecule that specifically binds to the DC-SIGN receptor is administered in an amount sufficient to inhibit binding of the CMV virus to the DC-SIGN receptor present on a cell of the human, to thereby treat the CMV virus infection.

25-31. (CANCELLED)

32. (Previously Presented) A method of treating a cytomegalovirus (CMV) infection of a human, wherein the infection is mediated at least in part by the binding of a CMV effector molecule on the CMV virus to at least one DC-SIGN receptor selected from DC-Specific ICAM-Grabbing Nonintegrin (DC-SIGN) and DC-Specific ICAM-Grabbing Nonintegrin Related (DC-SIGNR) of the human to be treated, the method comprising:

administering to the human an antibody that specifically binds to the DC-SIGN receptor;

wherein the antibody is administered in an amount sufficient to inhibit binding of the CMV virus to the DC-SIGN receptor present on a cell of the human, to thereby treat the CMV virus infection.

33. (Original) The method of claim 32, wherein the antibody is a monoclonal antibody.
34. (Previously Presented) The method of claim 33, wherein the monoclonal antibody is humanized.
35. (CANCELLED)
36. (Original) The method of claim 33, wherein the monoclonal antibody is Mab 1B10.2.6.
- 37-81. (CANCELLED)
82. (Currently Amended) The method of claim ~~84~~ 24, wherein the mannosylated molecule is mannan.
- 83-90. (CANCELLED)
91. (Currently Amended) A method of inhibiting entry of a CMV virus into a cell of a human that expresses at least one DC-SIGN receptor selected from DC-SIGN and DC-SIGNR of the human to be treated, the method comprising administering to the human a mannosylated molecule that specifically binds to the DC-SIGN receptor;
- wherein the mannosylated molecule that specifically binds to the DC-SIGN receptor is administered in an amount sufficient to inhibit the binding of the CMV virus effector molecule to the DC-SIGN receptor, to thereby inhibit entry of the CMV virus into the cell.
- 92-98. (CANCELLED)



Art Unit: 1648

99. (Previously Presented) A method of inhibiting entry of a CMV virus into a cell of a human that expresses at least one DC-SIGN receptor selected from DC-SIGN and DC-SIGNR of the human to be treated, the method comprising administering to the human an antibody that specifically binds to the DC-SIGN receptor;

wherein the antibody is administered in an amount sufficient to inhibit the binding of the CMV virus effector molecule to the DC-SIGN receptor, to thereby inhibit entry of the CMV virus into the cell.

100. (Previously Presented) The method of 99, wherein the antibody is a monoclonal antibody.

101. (Previously Presented) The method of claim 100, wherein the monoclonal antibody is humanized.

102. (Previously Presented) The method of claim 100, wherein the monoclonal antibody is Mab 1B10.2.6.

103 and 104. (CANCELLED)

105. (Currently amended) The method of claim 91 ~~104~~, wherein the mannosylated molecule is mannan.

106-115. (CANCELLED)